

# **“Measures to Secure Protection and Cooperation of Witnesses and Whistle-blowers”**

## **- After the 149th International Training Course**

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### **1. Introduction**

UNAFEI held the 149th International Training Course on the main topic “Measures to Secure Protection and Cooperation of Witnesses and Whistle-blowers” from August 25 to September 30, 2011, with six participants from Japan as well as 10 overseas participants from eight foreign countries. The Japanese and overseas participants come from various professional backgrounds: police officers, public prosecutors, judges, drug control officers, or other professionals involved in criminal justice practices.

In this paper, the author would like to describe the outline of the training course from the viewpoint of the Programming Officer.

Subjective statements in this paper are my personal opinions.

### **2. Purpose of Main Topic and Outline of the Training Course**

To combat corruption and criminal organizations, it is vital to appropriately investigate and prosecute those engaging in these crimes and punish them appropriately. As these offences are often committed using sophisticated techniques that leave little trace or physical evidence of the crime, witnesses and their testimony play a crucial role in securing conviction. In addition, reports from whistle-blowers also play an important role in revealing illegal acts, such as corruption.

However, out of fear for their safety, or the possibility of facing retaliation, dismissal, or demotion, witnesses and whistle-blowers are often reluctant to come forward and cooperate with criminal justice authorities. In particular, in cases of organized crime or cases of corruption involving influential persons, the personal safety of witnesses, as well as that of their family members, may be jeopardized by ruthless criminal groups who wield widespread and intimidating power.

For this reason, it is extremely important to protect witnesses and whistle-blowers and take effective actions for ensuring their cooperation in combating corruption or organized crime.

This training course aims to make contributions to preventing crimes as well as enhancing/promoting criminal justice schemes in member nations by examining possible improvement/enhancement solutions for problems related with the protection and cooperation of witnesses and internal whistle-blowers. The training course also aims to encourage mutual understanding among training participants and create a

network to continuously exchange information for improving professional practices in member nations.

The objective of this Programme was to give criminal justice officials from the Asia and Pacific region, and other regions, an opportunity to share experiences, gain knowledge, and examine concrete measures against crime, especially measures to secure protection and cooperation of witnesses and whistle-blowers. It is also hoped that participants will create an international network of counterparts to build participants' knowledge of possible measures to improve existing situations.

In this training course, at first, participants identified, examined and shared current situations and challenges existing in their respective countries regarding securing protection and cooperation of witnesses and whistle-blowers.

Then, participants attended a lecture about these problems delivered by Ms. Karen Kramer, Senior Expert, Division for Treaty Affairs, UNODC. In addition, as the these countries are working on innovative programmes, Mr. Robert E. Courtney, Legal Attaché, Department of Justice, Embassy of the United States in the Philippines, and Mr. Severino H. Gaña, Deputy Prosecutor General, National Prosecution Service, Department of Justice, Republic of the Philippines, gave their lectures on effective witness protection programmes in their respective nations.

Furthermore, from Japan, Professor Keisuke Senta, Graduate Schools for Law and Politics, University of Tokyo, and Judge Motoo Noguchi, Extraordinary Chambers in the Courts of Cambodia (ECCC) (Judge Noguchi also serves as a professor at UNAFEI), gave expert lectures on protecting witnesses in the investigation and trial of terrorist offences and protecting witnesses in international tribunals.

After that, participants were divided into two groups. They discussed current situations, problems, and effective measures with regard to the main topic of securing protection and cooperation of witnesses and whistle-blowers. Then they summarized the discussion, and made presentations on best practices and their proposals for effective measures in the respective countries.

Group One made the following points:

1. Witness and whistle-blower protection laws should be enacted.
2. Laws to enable mitigation of punishment and grants of immunity for cooperating witnesses should be enacted. Obstruction of justice should be properly criminalized.
3. In the absence of witness or whistle-blower protection laws, taking practical measures to counter the problem should be considered.
4. Countries without necessary resources should start with establishing procedural protection for witnesses, which is relatively cost effective.
5. Bi-lateral, regional, and international cooperation, better coordination among relevant authorities and experts, and capacity building efforts are much needed.

Group Two made the following points:

1. Basic police protection is essential.
2. Further, witness protection laws and organizational structure for implementation are needed.
3. While comprehensive witness protection programmes may be effective, they are resource intensive and they place heavy burdens on witnesses. Policymakers should carefully examine the necessity of such programmes. If such programmes are introduced, necessary budgets must be secured.
4. Taking measures to avoid secondary victimization of witnesses should be considered.

### **3. Conclusion**

In this training course, participants gathered from a wide variety of countries of differing region, size and economic scale: Barbados, El Salvador, India, Indonesia, Nepal, Panama, Saint Lucia, Tanzania, and Japan. To facilitate mutual understanding, we tried something new: we asked them to prepare and submit an overview of their respective criminal justice systems, which proved to be useful.

The participants very actively participated in the programme as its theme – issues in securing witness protection and cooperation – was something that they routinely encountered in every day work. Their interest and eagerness to learn were evident in the various questions they asked following every single lecture.

They were particularly enthusiastic in group discussions. Participants actively joined discussions and made serious efforts to identify problems in their respective countries, learn from other countries' legal systems to cope with such problems, and gain as much useful information and knowledge beneficial to their countries as possible.

One participant observed: "I thought witness protection meant only the kind of witness protection programme operated in the United States and so on, and cost a lot. However, I've come to understand that some current measures in our countries are already helping to protect witnesses. I also understand that our countries are able to employ some other measures which are implemented in other countries. I would like to make use of the outcomes of this training course to create better criminal justice systems in our countries". This comment made me feel that the programme was yielding positive outcomes.

Furthermore, all participants stayed together in the same dormitory for approximately six weeks, and formed friendships, discussing a wide range of matters, socializing together, and sightseeing on weekends or holidays. Day by day, they

became more like a family.

Such friendship will be a lifelong treasure for them. I am very pleased to have been involved in such a wonderful training course, and I would like to thank all the participants very much.

Finally, I would like to express my gratitude to the related organizations and individuals that have assisted us in organizing this training programme. Without your cooperation, the programme would not have achieved such an excellent outcome.

Thank you very much.